



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,174	07/22/2005	Gerard Remkes	2565/132	7919
26646	7590	09/03/2010	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			BASS, DIRK R	
ART UNIT	PAPER NUMBER	1797		
MAIL DATE	DELIVERY MODE	09/03/2010 PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Applicant argues that the examiner has not disclosed a means for setting a dialysing fluid flow rate which performs the same function specified in the claim. In response the examiner reminds applicant that the function of the means for setting a dialysing fluid flow rate is to set a dialysing fluid flow rate. Language further modifying the "means for setting a dialysing fluid flow rate" is considered by the examiner to be intended use language, which must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

Furthermore, claim 23 requires that the at least one receiving unit is either empty or contains a pre-set residual volume of the at least one dialysing fluid concentrate. The examiner considers the limitation of a "pre-set residual volume" to be met by Connell, since the device of Connell implicitly discloses a receiving unit containing a pre-set residual volume after the programmed dialysing process.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DDIRK BASS whose telephone number is (571) 270-7370. The examiner can normally be reached on Mon - Fri (9am-4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571) 272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797

/DRB/
Dirk R. Bass